

## **REMARKS**

In view of the above amendments and following remarks, reconsideration and further examination are requested.

By the current Amendment, claims 24-29 have been rewritten in independent form, and claims 1-21, 23 and 30 have been cancelled. For the following reasons, it is respectfully submitted that these amendments place the application in condition for allowance.

On August 9, 2005, a telephonic interview was conducted with Examiner Ackun. The courtesies extended by Examiner Ackun during this interview are greatly appreciated.

Initially discussed during this interview was the 35 U.S.C. § 112, first paragraph, rejection. Applicants' undersigned representative explained why it is believed that the specification provides support for a failure detection sensor for detecting a failure of a substrate "at any time" during polishing of the substrate. Specifically, even though the original specification does not literally express a sensor for detecting a failure "at any time" during polishing, it is believed to be clear from a fair reading of the specification that the sensors are indeed intended to so detect a failure of a substrate. Examiner Ackun disagreed, and expressed that the 35 U.S.C. § 112, first paragraph, rejection would not be withdrawn. Examiner Ackun did, however, agree that were the term --continually-- substituted for the phrase "at any time" the new matter rejection would not be maintained.

The term "continually" and the phrase "at any time" were further discussed, and Examiner Ackun expressed that Moore can be considered to disclose a sensor for detecting a failure of the substrate "continually" during polishing of the substrate but not necessarily "at any time" during polishing of the substrate. Thus, though substitution of the word --continually-- for the phrase "at any time" would alleviate the 35 U.S.C. § 112, first paragraph, rejection, Examiner Ackun indicated that such an amendment would not result in allowance of either of claims 1 and 11.

Next discussed were dependent claims 6-9 and 12. With regard to these claims, Applicants' undersigned representative expressed that these claims should be allowed because the specific sensors required by these claims are not taught or suggested by Moore. Examiner Ackun was not convinced, and expressed that the rejection of claims 9 and 12 would be maintained. Basically, Examiner Ackun's rationale for continuing to reject these dependent claims is that the sensors mentioned in

column 3, lines 44-57 of Moore are not the only type contemplated by Moore since Moore uses the phrase "such as". Accordingly, it is Examiner Ackun's position that Moore at least suggests sensors in addition to those specifically mentioned, including the types recited in the dependent claims. Furthermore, with regard to claims 9 and 12, Examiner Ackun expressed that the capacitance or capacitive sensors as stated in column 3, lines 52 and 53 can be considered to be piezoelectric sensors, and Examiner Ackun has not given much patentable weight to the phrase "that is to abut the substrate" as recited in these claims.

Next discussed were claims 15-17 and 22. With regard to claims 15-17, Examiner Ackun expressed that these claims basically differ from Moore by reciting a plurality of sensors; however, it is the Examiner's position that one having ordinary skill in the art would have found it obvious to provide Moore with more than one sensor. Applicants' undersigned representative then pointed out that claims 15-17 and 22 actually recite more than the mere provision of plural sensors, since claim 15 recites that the sensors are to perform detection at different locations, while claim 22 additionally requires that the sensors themselves are in different locations. With regard to claim 15, Examiner Ackun indicated that he has not given much patentable weight to the phrases "for detecting..." since these phrases do not connote sufficient structure; however, because claim 22 further structurally limits the sensors by reciting the specific locations of the sensors, Examiner Ackun indicated that the rejection of this claim would be reconsidered.

Next discussed were claims 24-29, and Examiner Ackun expressed that these claims would probably no longer be rejected as being anticipated by Moore if it is determined upon further consideration that the control units as recited in these claims is not taught or suggested by Moore.

Accordingly, in view of Examiner Ackun's positions as expressed during this interview, the following actions have been taken:

- (i) claims 1-21, 23 and 30 have been cancelled; and
- (ii) claims 24-29 have been rewritten in independent form, while at the same time substituting the term --continually-- for the phrase "at any time", so as to address the 35 U.S.C. § 112, first paragraph, rejection.

Currently pending claim 22 is believed to be allowable because it requires specific locations of the sensors, which locations are not taught or suggested by Moore. And, currently pending claims

24-29 are believed to be allowable because they require control units that are not taught or suggested by Moore.

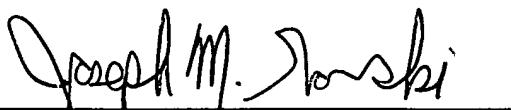
In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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